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June 22, 2022

**MOTION FOR EXTENSION OF TIME
TO FILE DISMISSAL OF ACTION**

BY ECF

The Honorable Barbara Moses
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

**Re: Oscar Vences v. 99 Cents USA, et. al.
Case No. 21 Civ. 5134 (BM)**

Dear Judge Moses,

We are counsel to the plaintiff. We write on behalf of all parties and with reference to the court's order dated May 18, 2022 [Docket 32], to request an extension of time to file the dismissal of this case up to and including August 31, 2022.

The court's order reflects that the case was settled and the settlement which was approved required payment in full on or before June 16, 2022. That day has passed and the settlement has not been paid. The parties have conferred multiple times and have agreed to the following modification of the settlement.

- Payment of fifteen thousand dollars (\$15,000) no later than today.
- Payment of the balance in the hands of plaintiff's counsel no later than Thursday, August 25, 2022.

In the event these deadlines are not met there will be an automatic assessment of one thousand five hundred dollars (two thirds of which will be disbursed to the plaintiff and one third will be retained as fees pursuant to the plaintiff's retainer and this court's prior orders concerning fairness).

The Honorable Barbara Moses

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If these deadlines are met, no additional consideration will be requested by plaintiff.

This is our first request for an extension of the deadline and no other dates or deadlines will be affected. Defense counsel has confirmed these terms are acceptable and as such, this is a joint motion.

As the court is aware and as reflected in the court's order at Docket 32, the parties are not able to dismiss the case until the settlement is consummated. The parties desire to salvage this settlement and not restore the case. As such, this motion is both timely and necessary.

We thank the court for its consideration of this case.

Respectfully,

/s/ Peter Hans Cooper

Peter H. Cooper

cc: Stephen D. Hans, Esq. (Via ECF)

Application GRANTED. Promptly after payment of the balance of the settlement funds on or before August 25, 2022, and in any event no later than **August 31, 2022**, the parties shall file a stipulation of dismissal with prejudice.



Barbara Moses
United States Magistrate Judge
June 23, 2022